

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3027 - HB 3221

February 28, 2010

SUMMARY OF BILL: Creates a Class D felony offense for possessing a prescription drug that was acquired outside of Tennessee with the intent to sell such drug.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$85,700/Incarceration*

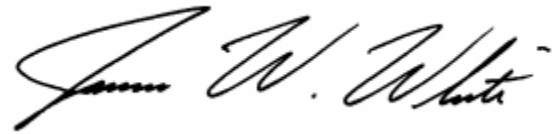
Assumptions:

- Currently it is a Class C misdemeanor for a person, other than a pharmaceutical sales representative, to possess, sell, barter, or give away any prescription drug, except with a valid prescription. Estimate assumes two offenders per year will receive a Class D felony rather than a Class C misdemeanor as a result of this bill.
- According to the U. S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant increase in incarceration costs in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2010 is \$59.86. The average post-conviction time served for a Class D felony is 1.96 years (715.89 days). The cost per offender at 1.96 years is \$42,853.18 (\$59.86 x 715.89 days). The total additional operating cost for two offenders is \$85,706.36 (\$42,853.18 x 2).
- Any increase in the caseloads for state trial courts can be accommodated within existing resources without an increased appropriation.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a more compact, stylized script, followed by "W." and "White" in a more open, flowing script.

James W. White, Executive Director

/lsc